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23373 7590 08/27/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

MOORE JR, MICHAEL J

ART UNIT

PAPER NUMBER

2419

DATE MAILED: 08/27/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/323,135	06/01/1999	CHRISTIAN LAROQUE	Q54622	8820

TITLE OF INVENTION: SWITCH PROVIDED WITH A SIGNALING COUPLER, AND A METHOD OF SENDING A SIGNALING MESSAGE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	11/27/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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23373 7590 08/27/2009

**SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037**

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/23,135	06/01/1999	CHRISTIAN LAROQUE	Q54622	8820

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nonprovisional	NO	\$1510	\$0	\$0	\$1510	11/27/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
MOORE JR, MICHAEL J	2419	370-524000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

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- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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23373	7590	08/27/2009	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			MOORE JR, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2419	
DATE MAILED: 08/27/2009				

Determination of Patent Term Extension under 35 U.S.C. 154 (b)

(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/323,135

Applicant(s)

LAROQUE ET AL.

Examiner

MICHAEL J. MOORE, JR.

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 5/22/09.
2. ☒ The allowed claim(s) is/are 1-23 and 25-30 (renumbered 1-29, respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Michael J. Moore, Jr./
Primary Examiner, Art Unit 2419

Allowable Subject Matter

1. Claims **1-23 and 25-30** (*renumbered 1-29, respectively*) are allowed.
2. The following is an examiner's statement of reasons for allowance:

Regarding claim **1**, *Dunn* teaches the originating switch 1 (circuit switch) of Figure 1.

Dunn also teaches network 6 (coupler) of switch 1 used for establishing connections between the PSTN and the Internet or toll network as spoken of on column 2, lines 53-55.

Dunn also teaches processor 5 (interpreter) of switch 1 of Figure 1 that receives a request (order) to establish a connection from originating station 25, analyzes the digits of the call request, determines whether to route the call either over the Internet or the toll network based on the analysis, and then generates appropriate call setup signaling (configuration) for either the toll network (conventional call setup) or the Internet (IAM message) as spoken of on column 4, lines 5-18.

Dunn also teaches terminating toll switch 2 (receiver) that in response to receipt of initial address message (IAM) 40, returns an IAM acknowledgement containing the same call ID as well as an added field IP 2 47 (flag) indicating the IP address of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

Dunn also teaches the call origination containing dialed digits (string) as spoken of on column 3, lines 18-21 as well as column 4, lines 5-8.

Park teaches an apparatus for a switching system where internal flags used for transmission and reception of data are written and read to/from a common memory between a host processor 21 and a CPU 23 as spoken of on column 4, lines 2-18.

However, *Dunn*, *Park*, and the other prior art of record fail to teach “a receiver for adding a receive flag to a received signaling message” where “the receive flag is an internal flag of the switch and is not transmitted with the signaling message from the switch” in combination with the other limitations of claim 1.

Regarding claims **2, 7, 8, 11-13, 22, 23, and 25-30**, these claims are further limiting to claim **1** and are thus also allowable over the prior art of record.

Regarding claims **3 and 18**, *Dunn* teaches a request (send order) to establish a connection from originating station 25, as well as terminating toll switch 2 (switch) that in response to receipt of initial address message (IAM) 40, returns an IAM acknowledgement containing the same call ID as well as an added field IP 2 47 (receive flag) indicating the IP address of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

Dunn also teaches processor 5 (interpreter) of switch 1 of Figure 1 that receives a request (order) to establish a connection from originating station 25, analyzes the digits of the call request, determines whether to route the call either over the Internet or the toll network (types of signaling channels) based on the analysis, and then generates appropriate call setup signaling (configuration) for either the toll network (conventional call setup) or the Internet (IAM message) as spoken of on column 4, lines 5-18.

Dunn also teaches the sending (outputting) of the appropriate call signaling over the network as spoken of on column 4, lines 12-18.

Dunn also teaches the IAM acknowledgement containing the same call ID as well as an added field IP 2 47 (receive flag) indicating the IP address (specified constant) of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50, as well as the call origination containing dialed digits (character string) as spoken of on column 3, lines 18-21 as well as column 4, lines 5-8.

Park teaches an apparatus for a switching system where internal flags (specified constants) used for transmission and reception of data are written and read to/from a common memory between a host processor 21 and a CPU 23 as spoken of on column 4, lines 2-18.

However, *Dunn*, *Park*, and the other prior art of record fail to teach “receiving said signaling message in a receiving exchange of said switch and adding a receive flag to said signaling message” where “the receive flag is an internal flag of the switch and is not transmitted with the signaling message from the switch” in combination with the other limitations of claim **3**.

Regarding claims **4-6 and 14**, these claims are further limiting to claim **3** and are thus also allowable over the prior art of record.

Regarding claim **9**, *Dunn* teaches the originating switch 1 (circuit switch) of Figure 1.

Dunn also teaches network 6 (coupler) of switch 1 used for establishing connections between the PSTN and the Internet or toll network as spoken of on column 2, lines 53-55.

Dunn also teaches processor 5 (interpreter) of switch 1 of Figure 1 that receives a request (order) to establish a connection from originating station 25, analyzes the digits of the call request, determines whether to route the call either over the Internet or the toll network based on the analysis, and then generates appropriate call setup signaling (configuration) for either the toll network (conventional call setup) or the Internet (IAM message) as spoken of on column 4, lines 5-18.

Dunn also teaches terminating toll switch 2 (receiver) that in response to receipt of initial address message (IAM) 40, returns an IAM acknowledgement containing the same call ID as well as an added field IP 2 47 (flag) indicating the IP address of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

Dunn also teaches the call origination containing dialed digits (string) as spoken of on column 3, lines 18-21 as well as column 4, lines 5-8.

Dunn also teaches terminating toll switch 2 that receives an initial address message (IAM) 40 indicating the IP address of the originating switch 1 as spoken of on column 3, lines 39-45.

Dunn also teaches terminating toll switch 2 that in response to receipt (processing) of initial address message (IAM) 40, returns an IAM acknowledgement containing the same call ID as well as an added field IP 2 47 indicating the IP address

of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

Dunn also teaches terminating toll switch 2 that responds to a packet identifying the call associated with its identification by sending a packet containing the same call identifier replaced with an identifier of the originating switch 1 as spoken of on column 3, lines 63-67.

Dunn also teaches the signaling messages 40, 45, 50, 55 transmitted via CCS7 network 5 (interface) as well as Internet 10 (interface) as shown in Figure 1.

Park teaches an apparatus for a switching system where internal flags used for transmission and reception of data are written and read to/from a common memory between a host processor 21 and a CPU 23 as spoken of on column 4, lines 2-18.

However, *Dunn*, *Park*, and the other prior art of record fail to teach “a receiver for adding a receive flag for internal use only to a received signaling message” in combination with the other limitations of claim **9**.

Regarding claim **10**, this claim is further limiting to claim **9** and is thus also allowable over the prior art of record.

Regarding claim **15**, *Dunn* teaches the originating switch 1 (circuit switch) of Figure 1.

Dunn also teaches network 6 (coupler) of switch 1 used for establishing connections between the PSTN and the Internet or toll network (different types) as spoken of on column 2, lines 53-55.

Dunn also teaches processor 5 (interpreter) of switch 1 of Figure 1 that receives a request (order) to establish a connection from originating station 25, analyzes the digits of the call request, determines whether to route the call either over the Internet or the toll network based on the analysis, and then generates appropriate call setup signaling (configuration) for either the toll network (conventional call setup) or the Internet (IAM message) as spoken of on column 4, lines 5-18.

Dunn also teaches terminating toll switch 2 (receiver) that in response to receipt of initial address message (IAM) 40, returns an IAM acknowledgement containing the same call ID as well as an added field IP 2 47 (flag) indicating the IP address of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

Dunn also teaches the call origination containing dialed digits (string) as spoken of on column 3, lines 18-21 as well as column 4, lines 5-8.

Dunn also teaches the choice of routing the call either over the Internet or over the toll network based on factors such as the present state of the networks, customer input, or dialed information (criteria) as spoken of on column 3, lines 10-21.

Park teaches an apparatus for a switching system where internal flags used for transmission and reception of data are written and read to/from a common memory between a host processor 21 and a CPU 23 as spoken of on column 4, lines 2-18.

However, *Dunn*, *Park*, and the other prior art of record fail to teach "a receiver for adding a receive flag for internal use only to a received signaling message" in combination with the other limitations of claim **15**.

Regarding claim **16**, this claim is further limiting to claim **15** and is thus also allowable over the prior art of record.

Regarding *amended* claim **17**, *Dunn, Park*, and the other prior art of record similarly fail to teach "adding a receive flag to a received signaling message" where "the receive flag is an internal flag of the switch and is not transmitted with the signaling message from the switch" in combination with the other limitations of claim **17**.

Regarding claim **21**, this claim is further limiting to claim **17** and is thus also allowable over the prior art of record.

Regarding claim **19**, *Dunn, Park*, and the other prior art of record similarly fail to teach "adding a receive flag to a received signaling message" where "the receive flag is an internal flag of the switch and is not transmitted with the signaling message from the switch" in combination with the other limitations of claim **19**.

Regarding claim **20**, this claim is further limiting to claim **19** and is thus also allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

3. Applicant's arguments with respect to *amended* claim **30** in view of the previous rejection under 35 U.S.C. 112, 2nd paragraph have been fully considered and are persuasive. This rejection has been withdrawn.

4. Applicant's arguments with respect to claims **1-23 and 25-30** in view of the previous prior art rejections under 35 U.S.C. 103(a) have been fully considered and are persuasive. These rejections have been withdrawn.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kurdzo et al. (U.S. 6,049,544) as well as Bocci et al. (U.S. 5,392,283) are other references considered relevant to this application, but also fail to provide the teachings recited above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. MOORE, JR., whose telephone number is (571)272-3168. The examiner can normally be reached on Monday-Friday (7:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached at (571) 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J. Moore, Jr./
Primary Examiner, Art Unit 2419